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ORIGINAL

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MAY 21 2004

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

May 21, 2004

Paul C. Besozzi
(202) 457-5292
pbsozzi@pattonboggs.com

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Ex Parte Filing – Docket 96-128 – Petition of Martha Wright et al.

Dear Ms. Dortch

By this ex parte filing, I am submitting the enclosed letters from certain law enforcement facilities which apparently were not previously received by the Commission in this matter.

If there are any questions on this matter, please contact the undersigned counsel.

Respectfully submitted,

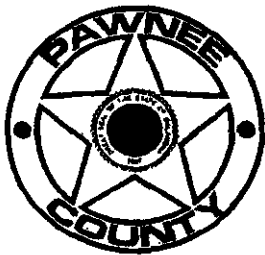
Paul C. Besozzi
Counsel for Evercom Systems, Inc.

PCB.tmc

Enclosures

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PAWNEE COUNTY SHERIFF'S OFFICE

www.law-enforcement.org/pawneesol/ • 500 E. Harrison • Room B-1 • Pawnee, OK 74058

SUB-STATION
918-243-5394
Fax: 918-243-7791

Don Sweger
SHERIFF

OFFICE/JAIL
918-762-2565
Fax: 918-762-3335

RECEIVED

MAY 21 2004

Federal Communications Commission
Office of Secretary

March 10, 2004

Marlene H. Dortch, Secretary
Federal Communications Commission 445 le Street, SW
Washington, DC 20554

RE: *Comments on Petition for Rulemaking Filed Regarding Issues Related to Inmate Calling Services Pleading Cycle Established, Public Notice, CC Docket 96-128, DA 03-427 (rel. Dec. 31, 2003)*

Dear Ms. Dortch:

Currently, I administer the County Jail in the County of Pawnee, State of Oklahoma I have 05 years in prison administration. As such I am familiar with the technological and penological issues relating to the provision of telecommunications services to inmates.

I am aware of the above-referenced proposal, which is before the Commission, and I am submitting this letter in response to the FCC's request for comments. I am concerned about the proposal for a number of reasons

First, as this Commission has previously recognized, security interests are paramount in the unique environment provision of inmate calling services. Existing technologies involving a single service provider, usually selected by competitive bidding, have met the need to ensure that inmates are (a) not engaging in illegal activities (b) not contacting individuals to make threats of engage in harassment, (c) contacting only those persons that we authorize them to contact and (d) are not liking or planning any other actions that would compromise the safety and security of our facility. It is the responsibility of the facility administrator to determine how best to serve those goals. The FCC should not hamstring that discretion by requiring a system that we know, from experience, meets those requirements, with one that with multiple options, connections, and choices may give inmates the opportunity to circumvent them.

Second, the wholesale revamping of the economic structure of the provision of inmate services could actually wind up to the detriment of the inmates themselves. For example, restriction or elimination of commission payments, which are used to support certain programs and services for the inmate population, would require allocation of funds from other sources. In this time of severe budget constraints those sources may not exist and the result may be a reduction in these activities.

Third, the analysis of the costs of such a radical change seems to assume a "one-size-fits-all" redesign and rebuild for any and every facility. That is just not the case. Moreover, at a rate of a few cents a minute there is no assurance that providers will be prepared to invest or continue to invest the capital needed to deploy the sophisticated hardware and software used in providing telecommunications services in confinement facilities.

Fourth, while prepaid calling has its advantages it would be a mistake to require -all calls to be prepaid. There are some inmates who will require the option of collect calling. In addition, it is the facility that ends up administering the prepaid program, including the sale of the cards. This additional administrative burden requires use of confinement facility resources that are already shrinking and overtaxed. Finally, as observed by the petitioners' expert himself, use of prepaid cards/accounts is a form of "commoditizing" the service, which can create the potential for prisoner confrontations.

Overall, the petition has just not made a case for the wholesale scrapping of a system that has effectively met legitimate security and other concerns. For the Commission to mandate such a system in effect preempts the discretion that must be left with confinement facility administrators as to how to provide telecommunications services and puts the Commission in the role, in effect, of running at least this portion of the facility. Therefore, the petition should be denied.

Sincerely yours,



Sheriff W. Don Sweger

ARNOLD REYNOLDS

SHERIFF TEXAS COUNTY
OFFICE PHONE 338-4000
RESIDENCE PHONE 338-2391
GUYMON, OKLAHOMA 73942

March 11, 2004

Marlene H. Dortch, Secretary
Federal Communications Commission 445 1e Street, SW
Washington, DC 20554

RE: Comments on *Petition for Rulemaking Filed Regarding Issues Related to Inmate Calling Services Pleading Cycle Established, Public Notice*, CC Docket 96-128, DA 03-427 (rel. Dec 31, 2003)

Dear Ms. Dortch

Currently, I administer the Texas County Jail in Texas County, Oklahoma. I have 16 years in prison administration. As such I am familiar with the technological and penological issues relating to the provision of telecommunications services to inmates.

I am aware of the above-referenced proposal, which is before the Commission, and I am submitting this letter in response to the FCC's request for comments. I am concerned about the proposal for a number of reasons.

First, as this Commission has previously recognized, security interests are paramount in the unique environment provisions of inmate calling services. Existing technologies involving a single service provider, usually selected by competitive bidding, have met the need to ensure that inmates are (a) not engaging in illegal activities (b) not contacting individuals to make threats or engage in harassment, (c) contacting only those persons that we authorize them to contact and (d) are not liking or planning any other actions that would compromise the safety and security of our facility. It is the responsibility of the facility administrator to determine how best to serve those goals. The FCC should not hamstring that discretion by requiring a system that we know, from experience, meets those requirements, with one that with multiple options, connections, and choices may give inmates the opportunity to circumvent them.

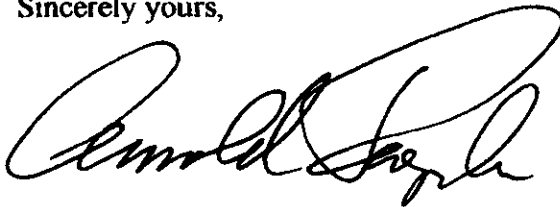
Second, the wholesale revamping of the economic structure of the provision of inmate services could actually wind up to the detriment of the inmates themselves. For example, restriction or elimination of commission payments, which are used to support certain programs and services for the inmate population, would require allocation of funds from other sources. In this time of severe budget constraints those sources may not exist and the result may be a reduction in these activities.

Third, the analysis of the costs of such a radical change seems to assume a "one-size-fits-all" redesign and rebuild for any and every facility. That is just not the case. Moreover, at a rate of a few cents a minute there is no assurance the providers will be prepared to invest or continue to invest the capital needed to deploy the sophisticated hardware and software used in providing telecommunications services in confinement facilities.

Fourth, while prepaid calling has its advantages, it would be a mistake to require all calls to be prepaid. There are some inmates who will require the option of collect calling. In addition, it is the facility that ends up administering the prepaid program, including the sale of the cards. This additional administrative burden requires use of confinement facility resources that are already shrinking and overtaxed. Finally, as observed by the petitioners' expert himself, use of prepaid cards/accounts is a form of "commoditizing" the service, which can create the potential for prisoner confrontations.

Overall, the petition has just not made a case for the wholesale scrapping of a system that has effectively met legitimate security and other concerns. For the Commission to mandate such a system in effect preempts the discretion that must be left with confinement facility administrators as to how to provide telecommunications services and puts the Commission in the role, in effect, of running at least this portion of the facility. Therefore, the petition should be denied.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Arnold Peoples", written in a cursive style.

Arnold Peoples
Texas County Sheriff

OFFICE OF THE
SHERIFF
ROGERS COUNTY, OKLAHOMA

JERRY W. PRATHER
SHERIFF

ED SCOTT
UNDERSHERIFF

March 15, 2004

Markene H. Dortch, Secretary
Federal Communications Commission
445 le Street, SW
Washington, DC 20554

**RE: PETITION FOR RULEMAKING FILED REGARDING ISSUES RELATED TO
INMATE CALLING SERVICES, PUBLIC NOTICE, CC DOCKET 96-128, DA 03-427**

Dear Ms Dortch:

Currently, I administer the Rogers County Jail in Claremore, Rogers County, Oklahoma. I have eight years in Jail administration, and am familiar with issues relating to telecommunications services to inmates.

I am aware of the above-referenced proposal, which is before the Commission, and I am submitting this letter in response to the FCC's request for comments. I am concerned for a number of reasons.

First, as this Commission has previously recognized, security interest are paramount in the unique environment provision of inmate calling services. Existing technologies involving a single service provider, usually selected by competitive bidding, have met the need to ensure that inmates are (a) not engaging in illegal activities (b) not using phone services to threaten or harass (c) contacting only those they are authorized to contact (d) not planning any actions that would compromise the safety of our facility. It is the responsibility of the facility administrator to determine how best to serve those goals. The FCC should not hamstring that discretion by requiring a system that we know, from experience, meets those requirements, with one that with multiple options, connections, and choices would give inmates the opportunity to circumvent them. Along with these options, more staffing would be required and that, unfortunately is not a possibility here.

Second, the wholesale revamping of the economic structure of the provision could actually wind up to the detriment of the inmates. Commission payments are used to support programs and services for inmate. Restriction or elimination of these payments would require allocation of funds from another source. At this time of severe budget cuts and constraints those sources may not be available which means those programs and services would suffer.

Third, the analysis of the costs of such a radical change seems to assume a "one size fits all" redesign and rebuild for any and all facilities. There is no assurance that providers

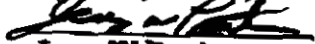
will be prepared to invest or continue to invest the capital needed to deploy the hardware and software used in providing phone services in confinement facilities.

Fourth, while prepaid calling has its advantages it would be a mistake to require all calls to be prepaid. Some inmates will require the option of collect calling. Also it will be the facility who will end up administering the prepaid program, including selling the cards. This will create taxing conditions on facilities which are already severely confined.

Finally, use of prepaid cards/accounts is a form of "commoditizing" the service which can create the potential for prisoner confrontations.

Overall the petition has just not made a case for the wholesale scrapping of a system that has met legitimate security and other concerns. For the Commission to mandate such a system in effect preempts the discretion that must be left with confinement facility administrators as to how to provide telephone services and puts the Commission in the role, in effect, of running at least this portion of the facility. Therefore the petition should be denied.

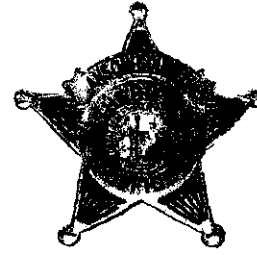
Sincerely Yours,



Jerry W. Prather
Sheriff of Rogers County
201 S. Cherokee
Claremore, Ok. 74017

Tommy W. Allen Jr.

Sheriff of Anson County



119 North Washington St.
Wadesboro, North Carolina 28170

Telephone: (704) 694-4188
FAX: (704) 694-9156

Email: tallen@co.anson.nc.us

March 23, 2004

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: *Comments on Petition for Rulemaking Filed Regarding Issues Related to Inmate Calling Services Pleading Cycle Established, Public Notice, CC Docket 96-128, DA 03-427 (rel. Dec. 31, 2003)*

Dear Ms. Dortch:

Currently, I am the Jail Administrator for the Anson County Jail in Wadesboro, NC. As such I am familiar with the technological and penological issues relating to the provision of telecommunications services to inmates.

I am aware of the above-referenced proposal which is before the Commission and I am submitting this letter in response to the FCC's request for comments. I am concerned about the proposal for a number of reasons.

First, as this Commission has previously recognized, security interests are paramount in the unique environment provision of inmate calling services. Existing technologies involving a single service provider, usually selected by competitive bidding, have met the need to ensure that inmates are (a) not engaging in illegal activities (b) not contacting individuals to make threats or engage in harassment, (c) contacting only those persons that we authorize them to contact and (d) are not taking or planning any other actions that would compromise the safety and security of our facility. It is the responsibility of the facility administrator to determine how best to serve those goals. The FCC should not hamstring that discretion by requiring a system that we know, from experience, meets those requirements, with one that with multiple options, connections, and choices may give inmates the opportunity to circumvent them.

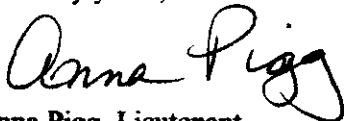
Second, the wholesale revamping of the economic structure of the provision of inmate services could actually wind up to the detriment of the inmates themselves. For example, restriction or elimination of commission payments which are used to support certain programs and services for the inmate population would require allocation of funds from other sources. In this time of severe budget constraints those sources may not exist and the result may be a reduction in these activities.

Third, the analysis of the costs of such a radical change seems to assume a "one-size-fits-all" redesign and rebuild for any and every facility. That is just not the case. Moreover, at a rate of a few cents a minute there is no assurance that providers will be prepared to invest or continue to invest the capital needed to deploy the sophisticated hardware and software used in providing telecommunications services in confinement facilities.

Fourth, while prepaid calling has its advantages it would be a mistake to require all calls to be prepaid. There are some inmates who will require the option of collect-calling. In addition, it is the facility that ends up administering the prepaid program, including the sale of the cards. This additional administrative burden requires use of confinement facility resources that are already shrinking and overtaxed. Finally, as observed by the petitioner's expert himself, use of prepaid cards/accounts is a form of "commoditizing" the service, which can create the potential for prisoner confrontations.

Overall, the petition has just not made a case for the wholesale scrapping of a system that has effectively met legitimate security and other concerns. For the Commission to mandate such a system in effect preempts the discretion that must be left with confinement facility administrators as to how to provide telecommunications services and puts the Commission in the role, in effect, of running at least this portion of the facility. Therefore, the petition should be denied.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Anna Pigg". The signature is fluid and cursive, with the first name "Anna" and last name "Pigg" clearly distinguishable.

Anna Pigg, Lieutenant
Anson County Jail Administrator

Office of the Sheriff

SIDNEY A CAUSEY
SHERIFF



20 North 4th Street
Wilmington, NC 28401-4591
910-341-4200
Fax 910-772-7856

March 24, 2004

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: *Comments on Petition for Rulemaking Filed Regarding Issues Related to Inmate Calling Services Pleading Cycle Established, Public Notice, CC Docket 96-128, DA 03-427 (rel. Dec. 31, 2003)*

Dear Ms. Dortch:

Currently, I am the Sheriff of the New Hanover County Jail in New Hanover County, Wilmington, North Carolina. I am familiar with the technological and penological issues relating to the provision of telecommunications services to inmates.

I am aware of the above-referenced proposal which is before the Commission and I am submitting this letter in response to the FCC's request for comments. I am concerned about the proposal for a number of reasons.

First, as this Commission has previously recognized, security interests are paramount in the unique environment provision of inmate calling services. Existing technologies involving a single service provider, usually selected by competitive bidding, have met the need to ensure that inmates are (a) not engaging in illegal activities (b) not contacting individuals to make threats or engage in harassment, (c) contacting only those persons that we authorize them to contact and (d) are not taking or planning any other actions that would compromise the safety and security of our facility. It is the responsibility of the facility administrator to determine how best to serve those goals. The FCC should not hamstring that discretion by requiring a system that we know, from experience, meets those requirements, with one that with multiple options, connections, and choices may give inmates the opportunity to circumvent them.

Second, the wholesale revamping of the economic structure of the provision of inmate services could actually wind up to the detriment of the inmates themselves. For example, restriction or elimination of commission payments which are used to support certain programs and services for the inmate population would require allocation of funds from other sources. In this time of severe budget constraints those sources may not exist and the result may be a reduction in these activities.

Third, the analysis of the costs of such a radical change seems to assume a "one-size-fits-all" redesign and rebuild for any and every facility. That is just not the case. Moreover, at a rate of a few cents a minute there is no assurance that providers will be prepared to invest or continue to invest the capital needed to deploy the sophisticated hardware and software used in providing telecommunications services in confinement facilities.

Fourth, while prepaid calling has its advantages it would be a mistake to require all calls to be prepaid. There are some inmates who will require the option of collect-calling. In addition, it is the facility that ends up administering the prepaid program, including the sale of the cards. This additional administrative burden requires use of confinement facility resources that are already shrinking and overtaxed. Finally, as observed by the petitioner's expert himself, use of prepaid cards/accounts is a form of "commoditizing" the service, which can create the potential for prisoner confrontations.

Overall, the petition has just not made a case for the wholesale scrapping of a system that has effectively met legitimate security and other concerns. For the Commission to mandate such a system in effect preempts the discretion that must be left with confinement facility administrators as to how to provide telecommunications services and puts the Commission in the role, in effect, of running at least this portion of the facility. Therefore, the petition should be denied.

Sincerely yours,

A handwritten signature in cursive script that reads "Sidney A. Causey".

Sidney A. Causey
Sheriff



Columbus County Sheriff's Office

Christopher Batten ~ Sheriff

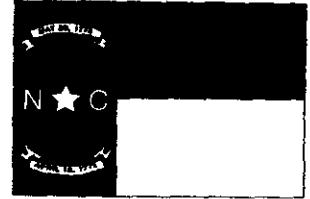
P. O. Box 280

Whiteville, NC 28472

Whiteville Office (910) 642-6551

Riegelwood Office (910) 655-1064

www.columbus.nc.us.com



March 23, 2004

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: *Comments on Petition for Rulemaking Filed Regarding Issues
Related to Inmate Calling Services Pleading
Cycle Established, Public Notice, CC Docket 96-128, DA 03-427
(rel. Dec. 31, 2003)*

Dear Ms. Dortch:

Currently, I am the sheriff in the State/County of Columbus. I have 6 years experience. As such I am familiar with the technological and penological issues relating to the provision of telecommunications services to inmates.

I am aware of the above-referenced proposal, which is before the Commission, and I am submitting this letter in response to the FCC's request for comments. I am concerned about the proposal for a number of reasons.

First, as this Commission has previously recognized, security interests are paramount in the unique environment provision of inmate calling services. Existing technologies involving a single service provider, usually selected by competitive bidding, have met the need to ensure that inmates are (a) not engaging in illegal activities (b) not contacting individuals to make threats or engage in harassment, (c) contacting only those persons that we authorize them to contact and (d) are not taking or planning any other actions that would compromise the safety and security of our facility. It is the responsibility of the facility administrator to determine how best to serve those goals. The FCC should not hamstring that discretion by requiring a system that we know, from experience, meets those requirements, with one that with multiple options, connections, and choices may give inmates the opportunity to circumvent them.

Second, the wholesale revamping of the economic structure of the provision of inmate services could actually wind up to the detriment of the inmates themselves. For example, restriction or elimination of commission payments, which are used to support certain programs and services for the inmate population would require allocation of funds from other sources. In this time of severe budget constraints those sources may

not exist and the result may be a reduction in these activities.

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Overall, the petition has just not made a case for the wholesale scrapping of a system that has effectively met legitimate security and other concerns. For the Commission to mandate such a system in effect preempts the discretion that must be left with confinement facility administrators as to how to provide telecommunications services and puts the Commission in the role, in effect, of running at least this portion of the facility. Therefore, the petition should be denied.

Sincerely Yours,

A handwritten signature in cursive script, appearing to read "Chris Batten".

Chris Batten, Sheriff
Columbus County